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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.273 OF 2007
IN
WRIT PETITION NO.29 OF 2005

BMP Industries Limited Petitioner
versus
Brihan Mumbai Municipal Corpn.
and others Respondents

Alpana Ghone i/by Kanga & Co. for petitioner in support of Notice of Motion.

Archana Joshi for respondent no.1.

CORAM : A.M.KHANWILKAR, J.

DATE : 28th November 2007

PC :

1. For the reasons in the affidavit in support of the motion, although non appearence of the advocate on record, by itself is not a sufficient cause even then as the litigant should not suffer for the mistake of the advocate, in the interest of justice, the motion is made absolute in terms of prayer clauses (a) and (b) on condition that the petitioners shall pay costs to the respondent no.1 Corporation who were represented by advocate on the relevant date quantified at Rs.5,000/-

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(Rs.Five Thousand only) to be paid within one week from today directly to the respondent and acknowledgement produced in the registry. Payment of costs is condition precedent. It will be open to the Corporation to get the matter listed after the decision of the Apex Court involving similar contention is rendered.

(A.M.KHANWILKAR, J.)